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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/977,832 | 10/15/2001 | Guanglu Wang | 01-1013 | 4510 |

7590

12/23/2004

McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,832

Applicant(s)

WANG ET AL.

Examiner

Jude J Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/22/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communication filed on 10/15/2001.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 01/15/2002 have been considered by the examiner (see attached PTO-1449A).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 11, 15, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al (U.S. Patent No. 6,731,609 B1) in view of Meredith et al (U.S. Patent No. 5,426,510).

Regarding claim 1: Hirni et al disclose the invention substantially as claimed.

Hirni et al teach a method of conferencing (*column 15, lines 9-14*), the method comprising:

establishing a conference between a first user, the first user having an audio stream, and a second user, the second user having an audio stream, the conference having an audio stream (*fig. 2A, items 43-43', and 44; column 6, lines 14-21; column 30, lines 3; column 3, lines 40-42; note that the audio of the agent is the audio of the conference*);

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creating a temporary conference (*fig. 2A, items 43-43', and 44; column 6, lines 14-21*);

directing the audio stream of the conference (*column 10, lines 60-62*); and

Hirni et al further teach directing the audio stream of the first user to the temporary conference; and directing the audio stream of the second user to the temporary conference, (*column 10, lines 63-67*). However, Hirni et al fail to specifically disclose a method of sidebar conference wherein, the audio stream of first user and the audio stream of the second user are only audible to the first user and the second user.

In the same field of endeavor, Meredith et al disclose "*an audio event within a sidebar conference in which both attorneys may confidentially discuss matters with the judge*" [see Meredith; *fig. 1, items 14, 20, and 22; column 9, lines 21-27*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Meredith et al's teachings of using a sidebar with the teachings of Hirni et al, for the purpose of improving the ability of a network "...to provide an audio-video system for use in an adversarial setting" as stated by Meredith et al in lines 55-56 of column 2.

Regarding claim 6: The combination Hirni-Meredith discloses a device for conducting a sidebar conference [see Meredith; *fig. 1, items 14, 20, and 22; column 9, lines 21-27*] between a first user and a second user, the device comprising:

means for establishing a conference between a first user, the first user having an audio stream, and a second user, the second user having an audio stream, the conference having an audio stream [see Hirni; *fig. 2A, items 43-43', and 44; column 6,*

lines 14-21; column 30, lines 3; column 3, lines 40-42; note that the audio of the agent is the audio of the conference];

means for creating a temporary conference [see Hirni; *fig. 2A, items 43-43', and 44; column 6, lines 14-21*];

means for directing the audio stream of the conference to the sidebar conference [see Hirni; *column 10, lines 60-62*]; and

means for directing the audio stream of the first user to the temporary conference and directing the audio stream of the second user to the temporary conference [see Hirni; *column 10, lines 63-67*]. By this rationale **claim 6** is rejected.

Regarding claim 11: The combination Hirni- Meredith teaches a system for conducting a sidebar conference [see Meredith; *fig. 1, items 14, 20, and 22; column 9, lines 21-27*] within an on-going conference, the on-going conference having an audio stream, the system comprising:

a network [see Hirni; *fig. 1, item 22; column 3, lines 52-58*];

a first user coupled to the network, the first user providing an audio stream [see Hirni; *fig. 1, item 30; column 4, lines 33-35*];

a second user coupled to the network, the second user providing an audio stream [see Hirni; *fig. 1, item 14; column 4, lines 1-6*];

a IVR server coupled to the network [see Hirni; *column 8, lines 38-48; fig. 1, item 30*], the IVR server receiving commands from the first user causing the IVR server to prompt the conference server to establish a temporary conference [see Hirni; *column 8,*

lines 25-35; it is important to note that the server is 30 of fig. 1 serves a dual role of a conference server and IVR server]; and

a conference server coupled to the network, wherein the conference server maintains a conference and establishes a temporary conference at the request of the IVR server, the temporary conference including only the first and second user, the temporary conference including the audio stream of the conference and the audio stream of the first user and the audio stream of the second user [see *Hirni*; column 6, lines 37-54]. By this rationale **claim 11** is rejected.

Regarding claim 15: The combination Hirni- Meredith teaches a method for establishing a sidebar conference [see Meredith; *fig. 1, items 14, 20, and 22; column 9, lines 21-27*] between a first user and a second user, within a on-going conference, the on-going conference having an audio stream, the first user having an audio stream, the second user having an audio stream, the method comprising the steps of:

directing the audio stream of the conference to the sidebar conference [see *Hirni*; column 10, lines 60-62]; and

directing the audio stream of the first user to the temporary conference and directing the audio stream of the second user to the temporary conference [see *Hirni*; column 10, lines 63-67]. By this rationale **claim 15** is rejected.

Regarding claim 16: The combination Hirni- Meredith teaches a computer program [see *Hirni*; column 41, lines 41-54] for establishing a sidebar conference [see Meredith; *fig. 1, items 14, 20, and 22; column 9, lines 21-27*], the program comprising:

first code for establishing a conference between a first user, the first user

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having an audio stream, and a second user, the second user having an audio stream, the conference having an audio stream [see *Hirni*; *fig. 2A*, *items 43-43'*, and *44*; *column 6*, *lines 14-21*; *column 30*, *lines 3*; *column 3*, *lines 40-42*; note that the audio of the agent is the audio of the conference];

second code for creating a temporary conference [see *Hirni*; *fig. 2A*, *items 43-43'*, and *44*; *column 6*, *lines 14-21*];

third code for directing the audio stream of the conference to the sidebar conference [see *Hirni*; *column 10*, *lines 60-62*]; and

fourth code for directing the audio stream of the first user to the temporary conference and directing the audio stream of the second user to the temporary conference, wherein the audio stream of first user and the audio stream of the second user are only audible to the first user and the second user [see *Hirni*; *column 10*, *lines 63-67*]. By this rationale **claim 16** is rejected.

Regarding claim 17: The combination *Hirni*- *Meredith* teaches a computer readable medium having stored therein instructions for causing a processing unit to execute the following method [see *Hirni*; *column 41*, *lines 41-54*; *column 8*, *lines 25-35*; *fig. 3*, *item 46*, *50*, *54*]:

establishing a conference [see *Meredith*; *fig. 1*, *items 14*, *20*, and *22*; *column 9*, *lines 21-27*], between a first user, the first user having an audio stream, and a second user, the second user having an audio stream, the conference having an audio stream [see *Hirni*; *fig. 2A*, *items 43-43'*, and *44*; *column 6*, *lines 14-21*; *column 30*, *lines 3*; *column 3*, *lines 40-42*; note that the audio of the agent is the audio of the conference];

creating a temporary conference [see Hirni; *fig. 2A, items 43-43', and 44; column 6, lines 14-21*]; directing the audio stream of the conference to the sidebar conference [see Hirni; *column 10, lines 60-62*]; and

directing the audio stream of the first user to the temporary conference and directing the audio stream of the second user to the temporary conference, wherein the audio stream of first user and the audio stream of the second user are only audible to the first user and the second user [see Hirni; *column 10, lines 63-67*]. By this rationale **claim 17** is rejected.

4. Claims 2-5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al (U.S. Patent No. 6,731,609 B1) and Meredith et al (U.S. Patent No. 5,426,510), in view of Rogers et al (U.S. Patent No. 6,785,379 B1).

Regarding claims 2, and 7: The combination Hirni- Meredith discloses the invention substantially as claimed. The combination Hirni- Meredith teaches the method of claim 1 and the system of claim 6, but fails to disclose the method and the system further comprise prompting the first user for information indicating the identity of the second user.

In the same field of endeavor, Rogers et al disclose "*a call management database asking the identity party by name, spelling, extension number or otherwise...*" [see Rogers; *column 11, lines 40-44*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rogers et al's teachings of

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prompting the caller to identify the called party with the teachings of Hirni-Meredith, for the purpose of improving the ability of a network "...to provide an audio-video system for use in an adversarial setting." as stated by Meredith et al in lines 55-56 of column 2.

Regarding claims 3, and 8: The combination Hirni- Meredith-Rogers teaches the method of claim 2, and the system of claim 7, wherein prompting the user includes presenting a menu to the user [see *Rogers; column 11, lines 51-54*]. By this rationale **claims 3, and 8** are rejected.

Regarding claim 4, and 9: The combination Hirni- Meredith-Rogers teaches the method of claim 2, and the system of claim 7 further comprising receiving and processing voice commands from the first user [see *Rogers; column 11, lines 44-49*]. By this rationale **claims 4, and 9** are rejected.

Regarding claim 5, and 10: The combination Hirni- Meredith-Rogers teaches the method of claim 1, and the system of claim 6, further comprising determining whether the second user desires to enter the sidebar with the first user [see *Rogers; column 12, lines 1-6*]. By this rationale **claims 5, and 10** are rejected.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al (U.S. Patent No. 6,731,609 B1) and Meredith et al (U.S. Patent No. 5,426,510), in view of Sladek et al (U.S. Patent No. 6,622,016 B1).

Regarding claim 12: The combination Hirni- Meredith teaches the system of claim 11, but fail to disclose a system wherein the IVR utilizes SIP commands to establish the sidebar conference.

In the same field of endeavor, Sladek et al disclose " a call agent that communicates with an application server to provide a call conference using a suitable such as SIP (single inline-command protocol)"[see *Sladek; column 12, lines 7-20*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rogers et al's teachings using the SIP commands with the IVR server of Hirni to create the sidebar conference of Meredith, for the purpose of improving the ability of a network "...to provide an audio-video system for use in an adversarial setting" as stated by Meredith et al in lines 55-56 of column 2.

Regarding claim 13: The combination Hirni-Meredith-Sladek teaches the system of claim 12 wherein the commands include the INVITE command [see *Sladek; column 12, lines 7-20; note that the INVITE command is inherent to the SIP protocol*]. By this rationale **claim 13** are rejected.

Regarding claim 14: The combination Hirni-Meredith-Sladek teaches the system of claim 12 wherein the conference server responds with a 200 OK command [see *Sladek; column 12, lines 7-20; note that the 200 OK command is inherent to the SIP protocol*]. By this rationale **claim 14** are rejected.

Conclusion

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles
Patent Examiner
Art Unit 2143

Will C. Vaughn
Primary Examiner

JJG

December 13, 2004

